



CIVIL SERVICE REFORM LEGISLATION MOVES FORWARD

BY JEFF SCHUTT

DIRECTOR, DPA DIVISION OF HUMAN RESOURCES

I continue to receive many questions from employees throughout the state about civil service reform. I have found that most, if not all, of these questions are predicated on a lack of information or misinformation. Knowledge is certainly power in this instance, and, while individual employees may disagree, I feel strongly that all of us should be empowered with the facts about what is and isn't in the final civil service reform legislation.

The House Concurrent Resolution (HCR 04-1005) and the accompanying legislation (HB 04-1373) for civil service reform, co-sponsored by Representative Rosemary Marshall (D-Denver) and Senator Norma Anderson (R-Lakewood), were introduced on February 18, 2004. Both are available via the internet at www.leg.state.co.us. Please review the legislation and take time to learn about the resolution process.

In essence, the resolution needs support from two-thirds of both the house and senate, meaning broad support from both parties, in order to get on the November 2004 ballot. On March 9, both of the Civil Service Reform bills passed the House and now move into the Senate. The HCR received votes 49 - 15 (the required 2/3 majority) and the companion legislation 47 - 17 (required simple majority). Two more amendments have been added to the HCR that limits the appointment of officers to 1/2% of the workforce (down from 1%) and limits the executive director office exemptions to 2 (down from the last amendment limiting it to 3).

DPA and legislators have negotiated with employee associations in crafting the legislation as introduced:

- * All involved feel strongly about and have agreed that the merit principles and corresponding protection for state employees should be maintained in constitution. The legislation, as introduced, if anything, strengthens the protections that you have today.
- * The reform efforts are geared toward antiquated

business policies that date back more than 80 years and have absolutely nothing to do with "protection" aspects of the constitution. An example is the "rule of three," which is a current constitutional requirement that only the top three candidates based on competitive testing and ranking can be interviewed for a classified position within the state. The proposal is to change this to the top six candidates based on an assessment of competencies and job requirements.

- * Other proposals include extending temporary employment from six to nine months and eliminating residency requirements from the constitution.

Substantive changes are summarized in the accompanying Crosswalk document, a document prepared by Office of Legislative Legal Services. I have also provided a letter from the Colorado Association of Public Employees (CAPE), Colorado Patrol Protective Association (CPPA) and the Denver area chapter of the American Federation of State, County and Municipal Employees (AFSCME), organizations that helped craft the final language and that clearly endorse the proposed changes.

One organization that chose not to participate in these negotiations mass emailed a "civil service repeal campaign," as though our efforts are to repeal all civil service protections. This just isn't true. Be aware that employees who replied to this email, even if it was to say, "take me off your email list," had their responses automatically mass emailed to legislators, as though they supported the organization's position whether they actually did or did not.

As I mentioned earlier, it is important for employees to know the facts. If there are questions or concerns not covered by a reading of the legislation or the Crosswalk document that I have attached, please feel free to contact me.

NEW PROCEDURES TO GO INTO EFFECT

BY PAT ROMERO
RULES INTERPRETATION

Administrative Procedures, which were considered at a rulemaking hearing on February 5, 2004, have been adopted by the Director and sent to the Secretary of State for publication. The procedures will be effective on May 2, 2004 (see accompanying attachment for exact language as submitted for publication). The catalyst for many of the changes was the passage of the Total Compensation Reform Act of 2003 (HB 03-1316), which changed the strategic direction, funding and management of compensation in the state personnel system. The following is a summary of key provisions of the new procedures.

- The adopted procedures clarify that pay grade minimums and maximums are adjusted based on the salary survey and only those employees whose salary falls below the minimum of the pay grade will receive a salary increase to bring their pay up to the minimum.
- The State Personnel Director will establish uniform, statewide Performance Salary Adjustments ranges and publish the range percentages for performance levels in the annual compensation plan. This change will provide a mechanism to move salaries through pay grades and addresses the major criticism of the performance pay results in 2002 that awards and award percentages were inadequate, often miniscule, and varied widely for the same rating levels.

- The new procedures establish the first statewide uniform performance cycle, which shall end no later than March 31, 2006. All subsequent performance cycles shall be April 1 to March 31 in order to better manage the budgeting, administration, and payment of salary adjustments within a given budgetary allocation and the current performance evaluation system.
- The procedure on Lateral Movement is expanded to include in-range salary movements that address new hires within one year, promotions, counteroffers, and salary compression within a pay grade.

If you have further questions, please contact Pat Romero at pat.romero@state.co.us.